IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 10456 of 2007(T)

OPMV.48/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA

.....

PETITIONER:

1. SMT.SUKUMARIAMMA,W/O.RAGHAVAN NAIR, VELLAPPALLIL HOUSE,PALA,KOTTAYAM DISTRICT,KERALA.

2. K.S.ANITHA KUMARI,W/O.LATE P.K.ASHOK KUMAR,PATHIYANKAL HOUSE,PALA,KOTTAYAM DISTRICT, KERALA.

3. ANUP C,S/O.K.B.CHELLAPPAN NAIR, ARANYA,PALA,KOTTAYAM DISTRICT,KERALA.

4. K.V.MANOJ,S/O VASUDEVAN NAIR,SREENILAYAM PALA,KOTTAYAM DISTRICT,KERALA.

BY ADV. SRI.SUNIL CYRIAC
SMT.N.SINDHU

RESPONDENTS:

1. THE DISTRICT COLLECTOR,KOTTAYAM.

2. M.S.THIRUVALLUVAR TRANSPORT CORPORATION LTD,REP.BY ITS MANAGING DIRECTOR,THIRUVALLUVAR HOUSE,PALLAVAN SALI,MADRAS-2.

BY ADV. SRI.SUBHASH CYRIAC
G.P. SHRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C).No. 10456/07.

APPENDIX

PETITIONER'S EXHIBITS:

P1. COPY OF THE COMMON AWARD DTD.27.4.05.

P2A. COPY OF THE R.R.CERTIFICATE DTD.29.8.06 IN E.P.NO.76/06 IN O.P.MV.NO.48/03 OF MACA, PALA.

P2B. COPY OF THE -DO- EPNO.81/06 IN O.P.MV.NO.49/03.

P2C. COPY OF THE DO- E.P.NO.77/06 IN O.P.MV.NO.50/03.

P2D. COPY OF THE -DO- E.P.NO.80/06 -DO- 51/03.

sdk+

///True copy///

P.A. to Judge.

S.SIRI JAGAN, J.

==========

W.P.(C).No.10456 of 2007

==========

Dated this the 9th day of August, 2007

J U D G M E N T

The petitioners obtained an award in a motor accidents claim against the 2nd respondent. The grievance of the petitioners is that in spite of receipt of a requisition for revenue recovery, the first respondent is not taking appropriate steps to recover the said amount from the 2nd respondent. Notice has been served on the 2nd respondent and they have appeared through counsel also. On 29.6.2007 the counsel for the 2nd respondent appeared and sought for time. Three weeks' time was granted. When the matter again came up on 7.8.2007, the counsel was absent. Accordingly the same was posted to today. Today also the counsel for the 2nd respondent is absent.

2. I have heard the learned Government Pleader also.

3. When a certificate for revenue recovery is issued by the Motor Accidents Claims Tribunal, the 1st respondent has a

duty to take appropriate steps for recovery of the amounts covered by the said certificate. In the above circumstances, I direct the 1st respondent to take appropriate steps through the District Collector of the district where the 2nd respondent is doing business and take the proceedings to its logical conclusion for recovery of the amount in question. This shall be done within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.